



# Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000

## The Commissioner's Determination Guidelines (December 2004)

### Summary

The Commissioner's Determination is a new provision of the Educator Licensure regulations designed to provide relief for educators who applied prior to recent changes to the regulations and were on track to qualify for a license except that they encountered an extreme hardship or just missed qualifying for a license when the new regulations went into effect.

### Purpose

The Commissioner's Determination has been established to ensure that the Commissioner has reasonable authority to determine or modify regulatory requirements in individual hardship cases, especially in situations when regulations have changed, to ensure that licensure candidates are not unfairly penalized for unanticipated interruptions to their scheduled completion of requirements. Such licensure candidates may include:

- (1) applicants who may have met or substantially met the requirements for educator licensure under regulations in effect prior to the current regulations becoming effective; and
- (2) applicants who would have met the requirements for educator licensure under regulations in effect prior to the current regulations becoming effective but were unable to do so because of extreme hardship.

Whether an applicant has made a "good faith effort" will be determined on an individual basis.

### New Regulatory Provision

*In accordance with 603 CMR 7.14 (6) of the Regulations for Educator Licensure and Preparation Program Approval, the Commissioner, for good cause, may determine which specific requirements for licensure set forth in 603 CMR 7.04, 7.05, 7.06, 7.07, 7.09, 7.11, and 7.14 (2) and (3) shall apply and/or be modified for applicants who substantially met the requirements for licensure prior to a change in the regulations or that they would have met the requirements but were unable to do so because of extreme hardship. No modification of the requirements will be granted without satisfactory evidence that the applicant has made a good faith effort to complete the requirements for licensure. The Commissioner at his discretion may impose reasonable conditions upon any modification granted. The decision of the Commissioner shall be final.*

### Group One: Applicants Who Met or Substantially Met Requirements Under the 1994 or 2001 Regulations

**Eligibility Requirement – Group One Applicants**, who have already received an evaluation letter from the Office of Licensure stating that they have additional requirements to complete in order to be licensed, may request to be considered through the Commissioner's Determination. This group may include but not be limited to the following:

- Applicants who met all the requirements for a license(s) under the 1994 or 2001 regulations by October 1, 2003, but applied after that date;

- Applicants who applied and completed all requirements by October 1, 2003, with the exception of one of the following having been satisfied after October 1, 2003:
  - Test(s)
  - Field-based experience; or
  - Coursework;
- Applicants who possessed a master's degree, and completed three full years of employment under the Initial license by October 1, 2003, but applied for their Professional license after that date;
- Applicants who applied and satisfied almost all requirements under the 1994 or 2001 Regulations by October 1, 2003, and have yet to complete some portion of the requirements;
- Applicant is trying to obtain a license that is no longer listed in 603 CMR 7.04.

**Request Procedure - Group One Applicants** must complete and submit the **Commissioner's Determination Request Form** with all relevant documentation/information to the Office of Educator Licensure, including the appropriate signatures.

Requests for the Commissioner's Determination will be reviewed on a case-by-case basis in accordance with criteria established by the Commissioner. The recommended outcome of a group one consideration may be 1) licensure, 2) modification of requirements, or 3) must comply with current regulations. The decision of the Commissioner will be final.

Staff in the Office of Educator Licensure may also proactively identify candidates for the Commissioner's Determination, when appropriate.

### **Group Two: Applicants Who Suffered An Extreme Hardship**

**Eligibility Requirement – Group Two Applicants** may include but not be limited to the following:

- Applicants who were unable to complete the requirements under the 1994 or 2001 Regulations because of serious illness;
- Applicants who were unable to complete the requirements under the 1994 or 2001 Regulations because of active military service;
- Applicants who have experienced a catastrophic personal situation, which did not allow him or her to complete the requirements under the 1994, or 2001 Regulations.

**Request Procedure – Group Two Applicants** must send a letter to Attention: Commissioner's Determination, the Office of Educator Licensure, 350 Main Street, Malden, MA 02148, describing the extreme hardship along with the confirming documentation/information, verifying the situation that caused the hardship. Such documentation may include but not be limited to the following:

- A letter from a physician
- A letter from a branch of the USA military or "Call Up Orders"

Requests for the Commissioner's Determination will be reviewed on a case-by-case basis in accordance with criteria established by the Commissioner. The recommended outcome of a group two consideration may be 1) licensure, 2) modification of requirements, or 3) must comply with current regulations. The decision of the Commissioner will be final.

## The Commissioner's Determination Request Form

To be completed by applicants who have met or substantially met the requirements for educator licensure under regulations in effect prior to the current regulations becoming effective, and have received a letter from the Department stating that they have additional requirements to complete in order to be licensed.

**Name** \_\_\_\_\_  
(Last) (First) (Middle Initial)

**Social Security Number** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

I am requesting that my application for the licenses listed below be reviewed under the Commissioner's Determination Provision:

\_\_\_\_\_  
(Licensure Field/Area) (Stage/Type) (Grade Level)

\_\_\_\_\_  
(Licensure Field/Area) (Stage/Type) (Grade Level)

**Signature of Support:** Please obtain a signature from one of the following administrators:

*I support this applicant being considered for this Provision, as it is consistent with the criteria published in the Commissioner's Determination Guidelines of December 2004.*

Public School District: \_\_\_\_\_

Name of Superintendent: \_\_\_\_\_

Signature of Superintendent: \_\_\_\_\_

OR

Private School: \_\_\_\_\_

Name of Head Administrator: \_\_\_\_\_

Signature of Head Administrator: \_\_\_\_\_

OR

Mass. Approved Educator Preparation Program: \_\_\_\_\_

Name of Coordinator or Admissions Officer: \_\_\_\_\_

Signature of Coordinator or Admissions Officer: \_\_\_\_\_

*I have enclosed all appropriate documentation pertaining to this request, and I understand that the decision of the Commissioner will be final.*

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

**Please mail completed form to the Office of Educator Licensure, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906.**